

04-30-07

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TRANSMITTAL VIA EXPRESS MAIL:

EV833002567US

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: New U.S. Patent Application 10/821,693 for "COMBINATION DENTAL MIRROR AND MEASURING GAUGE"; From (Provisional Patent Application 60/461,582; Filed: April 8, 2003); Filed: April 13, 2004; Applicant: Howard Martin.


Dear Sir:

Enclosed, please find the following:

1. Three (3) copies of Supplemental Appeal Brief; Inclusive of Appendix A: Claims Under Appeal, Appendix B: Evidence, Appendix C: Related Proceedings (Filed in triplicate).
2. Our post card. Please date stamp and return.

Please charge any fees to our Deposit Account 50-3391 (a duplicate copy of this charge authorization is attached.) Thank you for your cooperation and assistance.

Respectfully submitted,



Royal W. Craig
Reg. 34,145

I HEREBY CERTIFY that on April 27, 2007, one copy of the above-referenced documents were transmitted by Express Mail to the United States Patent and Trademark Office.



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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Re U.S. Utility Patent Application of

CHAREN, Art

Art Unit: 5212

Appln. No. 10/767,592

Examiner: Eric Blount

Filed: 28 January 2004

For: LOST PERSON NOTIFICATION SYSTEM

* * *

SUPPLEMENTAL APPEAL BRIEF

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

This Supplemental Appeal Brief is responsive to the Advisory Action dated 5 February 2007, and is further to Appellant's Appeal from the final rejection of all of claims 1, 3, 5-8, 11 and 13-18 of the subject application. No claims stand allowed.

The Appeal Brief filing fee of \$200 has been previously submitted. Please charge any missing or insufficient fee to our Deposit Account No. 50-3391.

REAL PARTIES IN INTEREST

The real party in interest is the inventor, Art Charen (Baltimore, MD).

RELATED APPEALS AND INTERFERENCES

There are no other prior or pending appeals, interferences or judicial proceedings known to appellant, the appellant's legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

STATUS OF CLAIMS

Claims 1, 3, 5-8, 11 and 13-18 are pending in the application. Claims 2, 4, 9-10 and 12 were previously canceled. The rejection of all pending claims 1, 3, 5-8, 11 and 13-18 is appealed. Please see Appendix A for a copy of the claims under Appeal.

STATUS OF AMENDMENTS

The Examiner issued an Official Action dated 5 August 2005. On 3 November 2005 Appellants filed a Response that was considered, but which failed to secure an allowance. A second non-final Official Action was issued 24 January 2006. Appellants timely filed an Amendment to the claims on 24 April 2006, but this likewise failed to secure an allowance. A final official action issued on 14 July 2006, and Appellant proposed a Rule 1.116 Response on 17 October 2006, which only increased the line spacing of the claims. This amendment was entered but failed to secure an allowance, and so the status of the claims are as amended per Appellant's 24 April 2006 Amendment.

SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is a lost-person notification system and method that makes a real-time notification to security personnel and bystanders that a child or disabled person has become separated from their guardian or responsible person. The system is capable of simultaneously displaying notification information near each exit of a public facility and at other dispersed locations, the notification including an image of the lost person showing their clothing and their face.

The invention generally includes a registration subsystem as shown in FIG. 1, and a notification subsystem as shown in FIG. 2.

As described at page 2, paragraph [0021], the registration subsystem 10 includes a digital camera 12, an information form 14, a data handler 16 and a portable storage medium 18. The registration subsystem (FIG. 1 ref. 10) is installed at facilities such as ticket booths or guest services offices. Children or disabled dependents visiting the facility, in the company of a supervising responsible person, are registered at the registration subsystem 10. The camera 12 is used to photograph (including a close up shot of the face and a full body shot showing the clothing being worn), and the information form 14 is completed to collect identifying information including name, address and phone number of the person and of their guardian, and cell telephone number if one is available. In addition, fingerprints may be taken in machine readable form with a fingerprint sensor 17. The camera 12 and the fingerprint sensor 17 are connected to a data handler 16 which formats the recorded photo and fingerprint images and inputted data, compresses them, and places the compressed data on a portable storage (e.g., smart card 19)

which is given to the guardian. The data handler 18 also prints a label on a label printer 21 which can be applied to the portable storage medium 18. It is important that this personal information is not recorded in any central memory to preserve privacy. [page 3, para 0028]

The notification subsystem as shown in FIG. 2 includes reporting stations 52 placed at locations approximately 100 feet apart throughout the facility so that guardians are never farther than 50 feet from one of the stations 52. Each reporting station 52 includes a conventional personal computer 60 with on-board audio card and a smart card reader and WiFi adapter. The smart card reader is connected to the personal computer and the output of the computer is connected to the WiFi adapter. The personal computer 60 is configured and programmed to detect the insertion of the smart card 19 into the smart card reader, retrieve the stored data record and transmit it as a signal from the WiFi adapter. This wireless signal is sent to a central server which is in network communication with a plurality of announcement stations 52 at locations throughout the facility, each announcement station including a video display monitor 63, a public address amplifier 61 and a power horn (speaker) 62. [page 3, column 2, para. 31].

In case of a lost-person event, the guardian inserts the smart card 19 containing the stored images and identifying information into the smart card reader, which downloads the information and transmits it by WiFi to the central server, which in turn disseminates the information to all notification stations 52 which immediately display the images and powerhorn a public announcement to ensure that the public looks at the display. The fingerprint data is accessible for authorities in case a child is not immediately located. [pages 3 & 4, para. 31].

The foregoing system is able to rapidly and prominently display the facial and clothing images of lost persons near all premises exits and at other locations to facilitate rapid recovery, and yet all personal image and identifying data remains solely on the storage medium controlled by the guardian or responsible person until the guardian or responsible person chooses to transmit the information.

Independent claim 1 is a method claim based on the particular architecture inclusive of a computer network including a plurality of reporting stations each including a display and a powerhorn, and a plurality of registration stations each including a camera and fingerprint scanner, and a network server in wireless communication with all of said reporting stations. The method steps require:

collecting registration information from a person at one of said registration stations, said collecting further comprising the substeps of, photographing one or more images of a person using said camera 12; obtaining a fingerprint of said person from said fingerprint scanner 17; converting said fingerprint to a digital record; recording said images and digital fingerprint record electronically; collecting and recording identifying information related to said person and a guardian or responsible person; transferring said identifying registration information including said recorded images to a portable storage medium 19; [see page 2, column 2, para 022].

When necessary, the guardian then “transfer[s] said recorded images and identifying information to a said system server 54; [which] receiv[es] a notification that said person is missing; [and] upon receipt of said lost person notification, broadcasting said images and digital fingerprint to all of said plurality of reporting stations 52, displaying said images to the general

public on the display 63 of all of said reporting stations whilst simultaneously announcing an alert on the powerhorn 62 in hope that said public will locate and return the lost person to said guardian or responsible person; and providing said fingerprint to proper authorities if said lost person is not returned.

Independent claim 6 is drawn to the system architecture and requires:

a plurality of reporting stations 52 [FIG. 2 and paragraph 0029] each including a computer 60, display 63 and powerhorn 62 [FIG. 2 and paragraph 0031];

a plurality of registration stations 10 [FIG. 1 and paragraph 0021] each including a computer 16 [“data handler 16 at FIG. 1 and paragraph 0021], camera 12 for photographing and recording one or more images of a person [FIG. 1 and paragraph 0021]; personal identification forms 14 [FIG. 1 and paragraph 0021]; and a portable storage medium 19 [“smart card 19” at FIG. 3 and paragraph 0023], and data handler software [paragraph 0024] resident on a system server 54 [FIG. 2 and paragraph 0029].

The above constitutes a concise explanation of the invention defined in each of the independent claims 1 and 6, and depending claims 2, 5, 7-8, 11 and 13-18 which are argued separately in the Appeal.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

There are two categorical issues set forth as follows:

1st: Whether the Examiner erred in rejecting Claim 1 under 35 U.S.C. 103(a) as being obvious over US Patent No. 5,978,493 to Kravitz et al. (identification bracelet for child and

guardian matching) in view of Appenzeller and further in view of March (U.S. Patent No. 6,034,605?

2^d: Whether the Examiner erred in rejecting Claims 6-8, 11, 17, and 18 under 35 U.S.C. 103(a) as being obvious over US Patent No. 5,978,493 to Kravitz et al. (identification bracelet for child and guardian matching) in view of Appenzeller and further in view of March (U.S. Patent No. 6,034,605?

GROUPING OF CLAIMS

The claims include two (2) groups.

Group 1: Claims 1, 3, 5.

Group 2: Claim 8, 11 and 13-18.

The appellant hereby states that the rejected claims within each group stand and fall together.

APPELLANTS' ARGUMENT

1st: The Examiner clearly erred in rejecting Claim 1 under 35 U.S.C. 103(a) as being obvious over US Patent No. 5,978,493 to Kravitz et al. (identification bracelet for child and guardian matching) in view of Appenzeller and further in view of March (U.S. Patent No. 6,034,605.

The Examiner contends that Kravitz teaches all elements of claim 1 except for a powerhorn associated with each reporting station, and the registration of a fingerprint. The Examiner relies on Appenzeller to disclose that it was well known in the art for loudspeakers (powerhorns) to be used for notifying bystanders of particular events (column 1, lines 15-49). Thus, he contends that it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the reporting stations taught by Kravitz to include loudspeakers to enhance the notification given by the reporting station. The Examiner then looks to March to show obtaining a fingerprint of a person (column 2, lines 35-55), converting the fingerprint to a digital record (column 3, lines 40-52), and transferring the fingerprint record to a system server on demand (column 3, line 53 - column 4, line 11). The Examiner acknowledges that March fails to disclose storing the fingerprint information on a portable storage medium, but notes that this would have been obvious in light of Kravitz who teaches storing the photos and personal identification on a portable storage medium.

Despite the Examiner's apparatus-type obviousness holding, claim 1 is a method claim and Kravitz' method steps are substantially different. Kravitz stores information including images of both parent and child in memory on a bracelet worn by the child. If, while in the protected premises, the child is lost, found and taken to a security station, the watch is removed from the child (by facility officials) and placed in the reader at that station and the information retrieved. This information is used to comfort the child by name, to contact the parents at their hotel and to verify the parents' identities through their photographs when they come to pick up the child. This method is not at all concerned with quick dissemination of child-identifying

information to the public for their assistance in finding the child. There is no public alert to bystanders at all, and the method steps needed to do this are not taught or suggested. Specifically, Kravitz does not teach or suggest that, upon receipt of a lost person notification, “broadcasting said images and digital fingerprint to all of said plurality of reporting stations, displaying said images to the general public on the display of all of said reporting stations whilst simultaneously announcing an alert on the powerhorn in hope that said public will locate and return the lost person to said guardian or responsible person”. While Appenzeller may disclose that powerhorns are well known public address devices, Appenzeller does not teach or suggest the combined “broadcasting said images and digital fingerprint to all of said plurality of reporting stations, displaying said images to the general public on the display of all of said reporting stations *whilst simultaneously* announcing an alert on the powerhorn in hope that said public will locate and return the lost person to said guardian or responsible person”. Neither of these references teach or suggest a combined audio/visual public address system to enlist the public’s help in finding a lost person, and so it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to modify the reporting stations taught by Kravitz to include loudspeakers to enhance the notification given by the reporting station. Kravitz’ single reporting station is intended to be used only by authorities and not the public at all. (powerhorn) would alert bystanders of an event even if the bystander were not looking at the display.

In addition to the foregoing, claim 1 requires “providing said fingerprint to proper authorities if said lost person is not returned”, this being a precaution if the public address is ineffective. The

Examiner relies on March to show this element, but March only shows obtaining a fingerprint (column 2, lines 35-55), converting the fingerprint to a digital record (column 3, lines 40-52), and transferring the fingerprint record to a system server (column 3, line 53 - column 4, line 11). As described above, an essential goal of the present system is to keep all personal information away from the public and off any central server unless necessary to locate a lost person. This is necessary to preserve privacy. [page 3, para 0028]. Thus, the portable storage media is carried by the guardian not the child (c.f., Kravitz), and the guardian activates the notification when needed. Since March only shows transferring the fingerprint record to a system server it defeats the privacy purpose of the present invention, and even if combined with Kravitz the combination fails to teach transferring the fingerprints onto a portable storage medium as required by claim 1.

Inasmuch as the foregoing elements of claim 1 are completely lacking even with the combination of the three cited references, claim 1 is not obvious there over. In addition, It is well settled that an inventive combination cannot be anticipated by finding individual features separately in the prior art and combining them in a piecemeal manner to show obviousness. See In re Kamm and Young, 17 USPQ 298, affd. (Court held that "The rejection here runs afoul of a basic mandate inherent in section 103 - that a piecemeal reconstruction of the prior art patents in the light of appellants disclosure shall not be the basis for a holding of obviousness). Despite the fact that Kravitz is not at all concerned with any audio/visual public address function to enlist the public help, and is not at all concerned with maintaining privacy until the public help is needed (all Kravitz data is readily accessible on the child's bracelet), the Examiner sees fit to infer the public address function with a powerhorn reference (Appenzeller) and to infer the fingerprint

safeguard by a fingerprint scanner (March). This is the epitome of an aimless piecemeal reconstruction of the prior art patents to arrive at appellant's disclosure. Consequently, the Examiner has clearly erred in holding claim 1 obvious.

2^d: The Examiner clearly erred in rejecting Claims 6-8, 11, 17, and 18 under 35 U.S.C. 103(a) as being obvious over US Patent No. 5,978,493 to Kravitz et al. (identification bracelet for child and guardian matching) in view of Appenzeller and further in view of March (U.S. Patent No. 6,034,605).

The Examiner contends that Kravitz discloses a system for alerting security personnel and bystanders that a person is missing that suggest all elements of claim 6 except for the powerhorn. The Examiner reaches this conclusion by inferring that Kravitz *"would obviously have to have software to interpret and use the data read from the portable storage medium"*, and that Kravitz *"has a server for communication between the users of the personal computers and a central database."* (the Examiner rightly notes that Kravitz does not specifically disclose identification forms, a network protocol, and notification software for broadcast of information over a network to a plurality of locations). Nevertheless, the Examiner concludes that the three references meet and/or reasonably suggest all limitations set forth in claim 6. This conclusion is in error. Kravitz shows a single read station 400 for allowing authorities to read the child's bracelet. Kravitz never intends to make a public address and does not teach or suggest "a plurality of reporting stations each including a computer, display and powerhorn" as required by claim 6. Thus, the Examiner's logic is misplaced, and it was improper to infer (or take official notice) that Kravitz "would

obviously have to have software to interpret and use the data read from the portable storage medium”, and that Kravitz “has a server for communication between the users of the personal computers and a central database.” Kravitz also fails to disclose identification forms, a network protocol, and notification software for broadcast of information over a network to a plurality of locations. Claim 6 specifically requires a network server *in wireless communication with all of said reporting stations and registration stations* and since this element is not taught or suggested by any of the three cited references claim 6 is patentably distinguished.

Claims 11-13 add a public address amplifier, power horn, and smart card reader, respectively, to the limitations of claim 6. The Examiner takes official notice that it would have been obvious to one of ordinary skill in the art at the time of the invention by applicant to sound an alarm via a public address system and optionally a power horn when a person is lost, and that “A skilled artisan would have recognized that notification using a public address system would have prepared bystanders to be more aware of their surroundings so as to help in locating the lost person.” This limitation was viewed as a matter of design choice, and in so doing the Examiner erred. The present invention teaches an immediate audio (powerhorn) and video (photo display) notification to all bystanders using a particular public address system that is automatically and instantaneously activated when the guardian places the smart card into the reader. None of the references teach an audio/video public address at all, let alone in the context of all other limitations of parent claim 6. The present inventor specifically developed the present system for that automatic and instantaneous audio/visual public address to enlist the public help in the most expedient and effective manner. Thus, the Examiner’s official notice that the elements

of claims 11-13 are design expedients is in error. Official notice is appropriate only "If the knowledge is of such notorious character that official notice can be taken.." In re Malcolm, 129 F.2d 529, 54 USPQ 235 (CCPA 1942). Once taken, if the applicant traverses such an assertion the examiner should cite a reference in support of his or her position. M.P.E.P. Section 2144.03. Applicant asserts that the these glossed-over components are essential and novel limitations, and the Examiner has offered no evidence to support his assertion that these are obvious components. Official notice is inappropriate here. Thus depending claims 11-13 are likewise patentably distinguished.

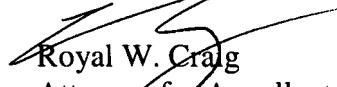
Regarding claims 17 and 18, it was noted above that March obviously uses a network Protocol and that "it would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to provide a standard wireless protocol or wireless access point device" since both were well known and widely used in communication devices at the time of the invention by the applicant. The Appellant traverses this assertion on the ground that a wireless protocol and wireless access point (WAP) device are the most effective means for dispersing a combined audio/visual public address over a wide area in a public facility and since none of the cited references are at all concerned with dispersing a combined audio/visual public address over a wide area in a public facility the examiner's official notice is misplaced on the statutory grounds stated above.

* * * * *

Application of: CHAREN, Art
Appln. No. 10/767,592
Art Unit: 521; Examiner: Eric Blount
Page - 14 -

For the reasons set forth herein, it is believed that the Examiner erred and that this application clearly and patentably distinguishes over the prior art and is in proper condition for allowance. Reversal is respectfully requested.

Respectfully submitted,


Royal W. Craig
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APPENDIX A: Claims Under Appeal

1. A method for alerting security personnel and bystanders that a person is missing using a computer network including a plurality of reporting stations each including a display and a powerhorn, and a plurality of registration stations each including a camera and fingerprint scanner, and a network server in wireless communication with all of said reporting stations and registration stations, comprising the steps of:

collecting registration information from a person at one of said registration stations, said collecting further comprising the substeps of,

photographing one or more images of a person using said camera;

obtaining a fingerprint of said person from said fingerprint scanner;

converting said fingerprint to a digital record;

recording said images and digital fingerprint record electronically;

collecting and recording identifying information related to said person and a guardian or responsible person;

transferring said identifying registration information including said recorded images to a portable storage medium;

transferring said recorded images and identifying information to said system server;

receiving a notification that said person is missing;

upon receipt of said lost person notification, broadcasting said images and digital fingerprint to all of said plurality of reporting stations, displaying said images to the general public on the display of all of said reporting stations whilst simultaneously announcing an alert on

the powerhorn in hope that said public will locate and return the lost person to said guardian or responsible person; and

providing said fingerprint to proper authorities if said lost person is not returned.

3. The method for alerting security personnel and bystanders that a person is missing of claim 1, further comprising the step of printing a label at a registration station bearing said identifying information related to said person and attaching said label to said portable storage media.

5. The method for alerting security personnel and bystanders that a person is missing of claim 1, further comprising the step of erasing the data from the portable storage media.

6. A lost person notification system for alerting security personnel and bystanders that a person is missing comprising:

a plurality of reporting stations each including a computer, display and powerhorn;

a plurality of registration stations each including a computer, cameras for photographing and recording one or more images of a person, personal identification forms, and portable storage medium,

data handler software resident on a system server.

7. The lost person notification system of claim 6 wherein said data handler software comprises:

a data collection module;
data compression software;
a database; and
a data transfer module.

8. The lost person notification system of claim 7 wherein said data compression software compresses the fingerprint and full-body photograph images into smaller records than the face photograph image.

11. The lost person notification system of claim 6 further comprising a public address amplifier.

13. The lost person notification system of claim 6 further comprising a smart card reader.

14. The lost person notification system of claim 6 wherein said portable storage medium is a conventional smart card and associated smart card reader.

15. (Originally Presented) The lost person notification system of claim 6 wherein said portable storage medium is a flash memory.

16. The lost person notification system of claim 6 wherein said data handler software further comprises a label printer.

17. The lost person notification system of claim 6 wherein said network protocol is a standard wireless protocol.

18. The lost person notification system of claim 6 further comprising a wireless access point (WAP) device.

APPENDIX B: Evidence Appendix

There has been no evidence submitted pursuant to 37 C.F.R. §§ 1.130, 1.131, or 1.132 nor any other evidence entered by the Examiner and relied upon by appellant relevant to this appeal.

APPENDIX C: Related proceedings appendix

As stated above, there are no related appeal proceedings, nor any decisions rendered by a court or the Board in any related appeal proceeding.